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PCT LEGAL ADMINISTRATION

In re Application of :  
Masterson et al.  
Application No.: 10/591,806 :  
PCT No.: PCT/US2005/007936 :  
Int. Filing Date: 08 March 2005 :  
Earliest Priority Date: 08 March 2004 :  
Attorney Docket No.: 34149-712.831 :  
For: Apparatus For Electrically Mediated  
Delivery Of Therapeutic Agents :

DECISION  
ON  
PETITION

This is in response to the renewed petition to revive under 37 CFR 1.137(b) filed on 20 May 2011.

DISCUSSION

In a Decision mailed on 22 March 2011, the renewed petition under 37 CFR 1.137(b) filed on 30 November 2009 was dismissed, without prejudice, because

The declaration at issue appears to have been amended after it was signed, by attaching an additional page naming the inventors who were not nominated in the declaration at the time it was signed. In view of the policy considerations reflected by the above MPEP excerpts, it would not be appropriate to accept the "revised declaration" as submitted. It is recommended that applicants prepare and obtain Mr. Masterson's signature of a new declaration document naming the entire inventive entity and including all of the required statements. For the above reasons, the "required reply" is not regarded as having been filed.

In response, applicants have filed a new declaration. However, due to a recent policy change, it now would be appropriate to accept the declaration filed on 06 August 2009 for purposes of compliance with 37 CFR 1.497(a) and (b). Accordingly, all of the requirements of 37 CFR 1.137(b) now are deemed to have been satisfied.

DECISION

The petition is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **06 August 2009**.

/George Dombroske/  
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